



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
GUWAHATI DEVELOPMENT DEPARTMENT

NOTIFICATION

The 26th February, 2016

No.GDD.102/2015/145.- In exercise of the power conferred under sub-section (1) of Section 22 of the Guwahati Metropolitan Development Authority (GMDA) Act, 1985, as amended under Assam Act No. XX of 1987, the Governor of Assam is pleased to make the "**Land Pooling Policy for Guwahati Metropolitan Area - 2025 & Guwahati (Master Plan Area 2025) Land Pooling Regulations, 2016**" for a modified and simplified land acquisition process as follow :-

LAND POOLING POLICY FOR GUWAHATI METROPOLITAN AREA- 2025

1. Land Pooling Policy:

The infrastructure development in the city is facing its hardship for shortage of available land. Many of the projects have been delayed or abandoned due to non-availability of land. The acquire of land by acquisition is increasingly challenged in court by land owners due to low compensation as compared to the market value. The Land Pooling Policy is a modified, simplified land acquisition process wherein the land owner(s) are legally consolidated by transfer of ownership rights to the designated land pooling agency, which later transfers the ownership of the part of the land back to the land owner for undertaking of development of such areas. The policy is applicable in the proposed urbanisable areas of the Urban Extensions for which zonal plans has been approved.

2. Guiding Principles:

- i) Govt. / GMDA to act as a facilitator with minimum intervention to facilitate and speed up integrated planned development.
- ii) A land owner, or a group of land owners (who have grouped together of their own volition/will for this purpose) or a developer, hereinafter referred to as the "**Developer Entity**" (DE), shall be allowed to pool land or by GMDA, hereinafter referred to as the "**Land Pooling Agency**" (LPA) for unified planning, servicing and subdivision / share of the land for development as per prescribed norms and guidelines.

- iii) Each landowner to get an equitable return irrespective of land uses assigned to their land in the Zonal Development Plan/ Scheme with minimum displacement.
- iv) To ensure speedy development of Master Plan Roads and other essential Physical & Social Infrastructure and Recreational areas.
- v) To ensure inclusive development by adequate provision of EWS and other housing as per Policy of the Govt.

3. Role of GMDA/Government:

- i) Declaration of areas under land pooling and preparation of Layout Plans and Sector Plans based on the availability of physical infrastructure.
- ii) Superimposition of Revenue maps on the approved Zonal plans/Development scheme.
- iii)-Time bound development of identified land with Master Plan Roads, provision of Physical Infrastructure such as Water Supply, Sewerage and Drainage, provision of Social Infrastructure and Traffic and Transportation Infrastructure including Metro Corridors.
- iv) GMDA shall be responsible for external development in a time bound manner.
- v) Acquisition of left out land pockets in a time bound manner shall only be taken up wherever the persons are not coming forward to participate in development through land pooling.

4. Role of the Developer Entity (DE)

- i) Assembly and surrender of land as per policy in the prescribed time frame to be specified in the Regulations.
- ii) Preparation of the layout plans/detailed plans as per the Provisions of Master Plan and the Policy.
- iii) Demarcate all the roads as per Layout Plan and Sector Plan and get the same verified from the concerned Authority within the assembled area and seek approval of layout plans/detailed plans from the GMDA.
- iv) a) Develop Sector Roads/Internal Roads/ Infrastructure/Services (including water supply lines, power supply, rain water harvesting, STP, WTP etc. falling in its share of the land.
b) DE shall be allowed creation of infrastructure facilities, roads, parks etc. subject to approval of Competent Authority.
- v) Return of the prescribed built up space/ Dwelling Units for EWS/LIG Housing component to the GMDA as per the policy.
- vi) Timely completion of development and its maintenance with all the neighborhood level facilities i.e. open spaces, roads and services till the area is handed over to the Municipal Corporation concerned for maintenance. The deficiency charges if any, shall be borne by the DE at the time of handing over of the services to the Corporation.

5. Land Use Distribution:

- i) The Land Use distribution for the urbanisable areas in the urban extension adopted for this policy is as under:
 - * Gross Residential: 51% (15% is reserved for EWS)
 - * Commercial: 5%
 - * Industrial: 5%
 - * Recreational: 15%
 - * Public & Semi-Public Facilities: 12%
 - * Roads & Circulation: 12%.
- ii) The Recreational Land Use does not include green areas within the various gross land use categories.
- iii) The share of remunerative land to be retained by GMDA shall depend on the categories/size of land pooled under this policy. GMDA's share in Residential Land shall be between 0-15% , Commercial Land shall be 0- 2.5%, PSP shall be 5-8 % , and entire Industrial Land of 5% shall be retained by GMDA. 12% of land for Roads & Circulation shall be in control of GMDA/ Govt.
- iv) The green cover will be as per the norms laid down in the Master Plan.

6. Norms for Land Assembly / Land Pooling:

The Land Pooling Model proposed for land assembly & development are for two as follows:

- i. The two categories of land pooling are:
 - Category I** for 100 bigha and above land assembled through Developer Entity (DE) and
 - Category II** for land assembled by Land Pooling Agency from many landowners.
- ii. Land owners/ DE shall be returned land within 5km radius of pooled land subject to other planning requirements.

7. Development Control Norms:

- i) Development Control Norms under the policy are:
 - a. Residential FAR 400 for Group Housing to be applicable on net residential land which is exclusive of the 15% FAR reserved for EWS Housing. Net Residential land to be a maximum of 55% of Gross Residential land.
 - b. FAR for Commercial and PSP to be as per GMDA's norms.
 - c. Maximum Ground Coverage shall be as per GMDA's norms.
 - d. Adequate parking as per norms of 2 ECS/100 sqm of BUA to be provided for Residential development by the DE. However, in case of the housing for EWS, the norms of 0.5 ECS/100 sqm of BUA to be provided.
 - e. Incentives for Green Building norms to be applicable to Group Housing developed under this policy if any.
 - f. Basement below and beyond building line up to setback line may be kept flushed with the ground in case mechanical ventilation is available. In case not prescribed, basement up to 2 mts from plot line shall be permitted.
- ii) Tradable FAR is allowed for development. However, in case of residential use, tradable FAR can only be transferred to another DE in the same planning Zones having approval of projects more than 30bigha.

8. Other terms and conditions:

- i) Land Pooling to be permitted as per this policy in the urbanisable areas of entire urban extension for which Zonal Plans have been approved in Master Plan.

- ii) In case of fragmented land holdings coming forward for Land Pooling in the same Planning Zone, land shall be returned in the vicinity of the largest land holding within the same zone. If there is any shortfall / variation of land in any zone or category due to site conditions, the DE will be entitled to the entire built up area permissible to him in that category on the land returned, even though the actual land returned to DE may be lesser than due to him.
- iii) EWS Housing unit size to be ranging between 32-40 sqm.
- iv) 50% of the EWS Housing Stock shall be retained by Developer Entity (DE) and disposed only to the Apartment owners, at market rates, to house Community Service Personnel (CSP) working for the Residents / Owners of the Group Housing. These will be developed by DE at the respective Group Housing site / premises or contiguous site.
- v) Remaining 50% of DUs developed by DE to be sold to GMDA for EWS housing purpose will be sold to GMDA / Local Bodies at base cost per sq. ft. as per APWD index (plus cost of EWS parking) which shall be enhanced as per APWD escalation index at the time of actual handing over and can be developed by DE at an alternate nearby site. Necessary commercial and other facilities shall also be provided by the DE for this separate housing pocket.
- vi) The EWS housing component created by the DE shall be subject to quality assurance checks, as prescribed in this regard by Govt./GMDA. The final handing/taking over of this component shall be subject to fulfilling the quality assurance requirements.
- vii) The DE shall be allowed to undertake actual transfer/transaction of saleable component under its share/ownership to the prospective buyers only after the prescribed land and EWS housing component is handed over to the GMDA.
- viii) External Development Charges and any other development charges incurred for the city infrastructure shall be payable by the DE on actual cost incurred by GMDA.
- ix) The Land Pooling Policy shall be regulated in zone as per the existing Master Plan and proposed delineated Metropolitan Region. The impact assessment for loss of agricultural land, if fall within the Guwahati Metropolitan Area shall be assessed properly before taking up development scheme.
- x) The concept of walkable, bikable mixed-use urban villages should be followed in the development scheme.
- xi) Mechanism should be put in a place to engage citizens in the management and conservation of resources during post development phase.

9. **Framework for Implementation of the Policy**

The detailed Regulations for operationalisation of the Land Pooling Policy including process and timeframe for participation shall be framed separately in a time bound manner. The detailed Regulations shall be put up in Public domain for inviting views of the stakeholders giving 30 days time in the newspapers and website since it involves development through participation.

- 10. The first transfer of land from land owner(s) to the Authority will be exempted from the Stamp duty. The land under public uses like roads, parks etc. which will be transferred to the Authority will also be exempted from stamp duty.
- 11. Land Policy to be implemented as per the Land Pooling Regulations is as annexed.
- 12. In the implementation of this policy, any amendment or exception from the prevailing Acts/ Policies that are required will be granted by the concerned development authority/government.

GUWAHATI (MASTER PLAN AREA 2025) LAND POOLING REGULATION, 2016**CHAPTER 1
GENERAL****1. SHORT TITLE AND COMMENCEMENT:**

- i. These regulations shall be called the "**Land Pooling Regulations, 2016**".
- ii. These regulations shall come into force with effect from the date of publication of Land Pooling Policy Notification in the Gazette of Assam.
- iii. All words and expressions used in these regulations but not defined shall have the meaning assigned to them in the *Guwahati Metropolitan Development Authority Act, 1985* or the Master Plan prepared and approved under the said Act as the case may be.
- iv. If any question arises relating to the interpretation of these regulations, it shall be decided by the State Government.

2. Definitions:

In these regulations, unless the context otherwise requires,

- i. "**Act**" means the *Guwahati Metropolitan Development Authority Act, 1985 under Assam Act No. XX of 1987* as amended from time to time.
- ii. "**Authority**" or "*Guwahati Metropolitan Development Authority*" means the *Guwahati Metropolitan Development Authority* constituted under Section 4 of the Act.
- iii. "**Competent Authority**" means the Chief Executive Officer, *Guwahati Metropolitan Development Authority* or any other officer nominated by him.
- iv. "**Developer Entity**" means an individual developer entity or a group of developer entity voluntarily agreeing to participate pursuant to an agreement.
- v. "**Final Plot**" means the parcel of land forming part of the original plot or a parcel of land carved out within a Land Pool which shall constitute the share of Developer entity as per the Land Share Certificate.
- vi. "**Land**" shall have the same meaning as in the Land Acquisition Act 1894 (1 of 1894) and shall include land covered by water.
- vii. "**Land Policy**" means the Land Policy as set out in Chapter 15 of Master Plan as applicable from time to time.
- viii. "**Land pool**" means land legally consolidated for purposes of land pooling in accordance with these regulations.
- ix. "**Land pooling**" means the legal consolidation of land parcels received by Land Pooling Agency from the Developer entity for utilization of such land parcels as per Land Policy and these regulations.
- x. "**Land Pooling Agency**" (**LPA**) means the *Guwahati Metropolitan Development Authority* which shall act through a Committee under the Chairmanship of CEO, GMDA and members from departments of Revenue & Disaster Management Department, Environmental & Forest Department.

- xi. **"Land Share Certificate"** means the certificate issued pursuant to Regulation 15 and 16.
- xii. **"Master Plan"** means the Master Plan for Guwahati, prepared and approved under the Act, for the time being in force.
- xiii. **"Original Plot"** means the parcel or parcels of land owned by Developer entity in a zone and made available in its entirety by Developer entity to Land Pooling Agency for land pooling.
- xiv. **"Sector"** means a pocket in the Development Plan bounded by existing or proposed roads/physical features like high tension line, railway line, drains etc., as per the approved Development Plan.
- xv. **"Scheme"** means a scheme for land pooling in any area or areas as may be announced by Land Pooling Agency from time to time.
- xvi. **"Standard Plot"** means the standard size of the residential and commercial plot carved out by GMDA.
- xvii. **"Website"** means the official website of Guwahati Metropolitan Development Authority or any website specifically dealing with land pooling by Land Pooling Agency.

CHAPTER 2 LAND POOLING AND APPLICATION

- 3. Land Pooling Agency may announce a scheme from time to time for land pooling in urbanizable areas of any particular zone in Guwahati Metropolitan Area / proposed delineated Master Plan area of GMDA, with such terms and conditions as may be necessary.
- 4. (1) To participate in any Scheme, a Developer entity shall surrender the original plot to Land Pooling Agency and shall be entitled to receive a final plot for development by the Developer entity. The original plot, or such part thereof which is not constituted in the final plot, shall stand surrendered to Land Pooling Agency for utilization for development based on planning parameters and requirements.

(2) The size of the final plot and the land to be surrendered to Land Pooling Agency shall be as prescribed in the Land Policy in Master Plan for Guwahati.
- 5. (1) The original plot owned by a Developer entity shall be part of the urbanizable area of urban extension except the following areas:
 - i. Land/villages notified under eco-sensitive zone, forest area or areas notified under Water Bodies Act.
 - ii. lands under litigation, lands under acquisitions proceedings under litigation till the case is settled; however, a special dispensation may be given in case of lands released from litigation after the expiry of time of opening of the Scheme for the concerned area;
 - iii. land where Guwahati Metropolitan Development Authority or any other government agency has issued NOC or where the plan stands approved for development by any other government agency at the time of notification of these

- iv. land under natural drains, natural water bodies, heritage sites, flood and irrigation department, railways and airport.
6. Subject to the other provisions of these regulations and the Land Policy, land pooling shall be governed by the following guidelines:
- i. The final plot shall be carved out either within the sector or nearby sector in the concerned zone in which the application for participation in land pooling has been made and it may or may not constitute part of the original plot. The final plot given to Developer entity by Land Pooling Agency shall be as per approved layout plan of the concerned sector and shall be subject to sub-paras (vii) and (xi) of Regulation 6.
 - ii. Land Pooling Agency shall undertake land pooling only in respect of that sector in a zone whose at least 2/3 of total land is available for land pooling. In the event such 1/3 of total land is not available in a particular sector, any Developer entity may request that its application be retained for consideration in any subsequent Scheme for that particular zone. In the event such application is desired by Developer entity to be retained, it shall, subject to compliance with conditions as may be stipulated in the subsequent Scheme, be deemed to have been made on the first day of the commencement of such Scheme.
 - iii. If Land Pooling Agency is of the opinion that if more than 1/3 owners of the land area are not willing to join the scheme may direct that the scheme shall be withdrawn and upon such withdrawal no further proceedings shall be taken up.
 - iv. The area/s which qualify for land pooling as per sub-para (ii) of Regulation 6 above, shall be taken up by the Land Pooling Agency and/or the Developer entity as the case may be, for planning and design as per land available based on eligible applications, norms specified in the Land Policy, Master Plan and these regulations.
 - v.
 - a. Land Pooling Agency will, subject to the draw of lots, endeavor to allot the final plot, as far as possible, within the same area failing which in the closest area to the original plot; failing which, within a distance of not more than five kilometres from the original plot.
 - b. Land Pooling Agency may allow to provide additional FAR to the Developer entity instead of allot the final plot mentioned in sub-para (v) a. The discretion to allow of such additional FAR solely lies with the Authority.
 - c. In case the developed plot of the pooled land is less than the standard size as determined by the LPA, the DE shall be compensated with monetary benefit.
 - d. In case of fragmented land holdings applying for land pooling in the same zone, the final plot shall be in the vicinity of the largest holding within the same zone subject to land availability failing which the final plot to a Developer entity shall be within a distance of not more than five kilometres.
 - vi. While preparing Layout Plan of a sector, modular concept of minimum size module and its multiples may be adopted as far as possible keeping in view the size of final plots to be returned. Neighbourhood commercial and public semi-public component shall be planned accordingly as per the Master Plan norms by Land Pooling Agency. Amalgamation and subdivision of city level public semi-public plots and commercial plots shall be allowed. On the amalgamated/subdivided plots, minimum area

requirements/norms of Master Plan shall be applicable for development of any use premise.

- vii. To ensure holistic planning and uniformity in the size of final plots returned in a particular sector, Land Pooling Agency may adopt the methodology of grouping. For such grouping, there may be up to five percent adjustment in the size of Final Plot but the Developer entity shall be entitled to utilize the entire FAR applicable to land to be returned as per Land Share Certificate.
- viii. The planning of the sectors with respect to the placement of carved out plots shall be as per Master Plan norms for locating plots for group housing on roads facing a minimum width as per the Building Bye Law. In case of a final plot of an area more than 10 hectares, the possibility of its location on zonal development plan roads with access from two sides may be considered.
- ix. The allocation of final plot shall be by a draw of lots in the respective categories based on month wise priority listing of applications.
- x. Applicants in a scheme will be grouped chronologically month-wise following the opening of the Scheme with each applicant being allotted a unique identity number. Draw of lots shall be held for assigning priority numbers to such monthly grouping of applications after the closure of the scheme. Applicants of first month will have priority over the subsequent month and so on. An applicant as per priority number of a draw (in ascending order) may exercise the right to choose a plot as per his entitlement from the available category of the plots.

GMDA shall devise a computerized system wherein the received applications are registered and priority numbers shall be allocated through the computerized algorithm itself on the basis of month wise grouping. Thereafter, before draw of lots, GMDA shall prepare the layout plan of the areas which have been pooled by the Developer entity/s, and offer sufficient number of preferences (upto 20) to the applicants to give their preferences for the plots as per the layout plan. The returned land shall thereafter be allotted through computerized draw of lots considering the priority numbers and the preferences given by the applicants.

- xi. Considering planning parameters and norms including the provision of laying of infrastructure services, Land Pooling Agency shall have the right in its discretion to resize/exchange the final plot given to a Developer entity provided no construction has taken place thereon.
- xii. Status of Land Share Certificate shall be updated regularly on the Website.

Application for Participation in Land Pooling

7. Any Developer entity satisfying the prescribed eligibility criteria shall be entitled to apply for participation in land pooling.
8. The Developer entity shall satisfy the following conditions to be eligible for participation in land pooling:
 - i. The Developer entity shall have valid and lawful title to, and be in lawful physical possession of, the land offered by it for participation in the land pooling;
 - ii. in the case of a group of landowners

- a. each one of them shall have a valid and lawful title to, and be in lawful physical possession of, his respective land which is offered for land pooling;
 - b. there should be a valid and legally enforceable agreement between all the developer entity/s constituting Developer entity to participate in apply for and abide by and be bound by the terms and conditions of land pooling;
 - iii. Developer entity shall submit an application for participation in land pooling in the prescribed format and submit the requisite documents as prescribed there under to Land Pooling Agency;
9. The Land Pooling Agency may in its sole discretion reject any application considering the overall efficacy of land pooling in a particular zone based on planning parameters and requirements.
10. The Developer entity shall within the time as may be prescribed by the Scheme submit 2 sets of the prescribed application form with dimensioned plan of the land coming forward under the proposed land pooling on a scale of 1: 1000 showing the boundaries and dimensions of the said land, the locations of existing streets, buildings and premises for participating in the land pooling in respect of a particular zone along with certified copies of the documents as may be prescribed. The documents shall be self-attested by Developer entity who shall at all times remain liable for any false information, misrepresentation, or error of any nature whatsoever and in addition to being proceeded against in accordance with law, the application of Developer entity shall be deemed to be void *ab initio* and shall automatically stand rejected and any action that has been taken pursuant to the such application shall stand automatically revoked.

Chapter 3

DEVELOPMENT PLAN, PROJECT FINANCE STRUCTURE LAND SHARE CERTIFICATE

11. **Development Plan:** The land pooling agency shall prepare a development plan layout plans of the zone for purposes of land pooling which shows the entire scheme like roads, drainage, public amenities, open ground, forestation and other amenities. Once the scheme/ development plan is approved, it shall be notified and shall request the developer entity to participate.
12. **Land Use Distribution:** as per the Land Policy
- 12.1 The Land Use distribution for the urbanisable areas in the urban extension adopted for this policy shall be as under:
- * Gross Residential: 51% (15% is reserved for EWS)
 - * Commercial: 5%
 - * Industrial: 5%
 - * Recreational: 15%
 - * Public & Semi-Public Facilities: 12%
 - * Roads & Circulation: 12%
- 12.2 The Recreational Land Use does not include green areas within the various gross land use categories.
- 12.3 The share of land to be retained by GMDA shall depend on the categories/size of land pooled under this policy. GMDA's share in Residential Land shall be between 0-15% , Commercial Land shall be upto 5%, PSP shall be upto 12 % , recreational shall be

upto12% , entire Industrial Land of 5%, 12% of land for Roads & Circulation shall be in control of GMDA/ Govt.

12.4 The green cover will be as per the norms laid down in the Master Plan.

13. Developed land: The land left after demarcation of the roads, drains, public open ground, provision for services like water supply, sewerage, transportation, green coverage shall be termed as developed land.

14. Development cost: The Land Pooling Agency/DE will share the external development cost depending upon the project finance structure as below:

- A. **Structure -I :** In this structure DE shall be allowed to pool/assemble within the notified scheme area. The DE shall undertake all development activities.
- B. **Structure-II :** In this case land shall be pooled by the land pooling agency and LPA shall undertake the development the work for road, drain, sewerage, electrical substation, recreational area and all the public facilities.

Example: for 100 bighas of Land Pooled

Structure -I : DE shall undertake all development activities.

SN	Land use distribution	Land use distribution share (%)	Land share by use (bigha)	DE share (bigha)	LPA share (bigha)	Remarks
1	Gross residential	51%	51	51		DE have option to handover 15% share to LPA for EWS
2	Commercial	5%	5	3	2	
3	Industrial	5%	5	-----	5	
4	Recreational	15%	15	3	12	
5	Public & Semi-Public facilities	12%	12	3	9	
6	Roads & Circulation	12%	12	-----	12	DE shall undertake road works
	Total	100%	100	60	40	

(Note : FAR for housing shall be 400 on gross residential area.)

Structure-II : Land pooling agency shall undertake all development activities.

SN	Land use distribution	Land use distribution share (%)	Land share (bigha)	DE share (bigha)	LPA share (bigha)	Remarks
1	Gross residential	51%	51	36	15	15% by LPA for EWS
2	Commercial	5%	5	2	3	*conditions applied
3	Industrial	5%	5	-----	5	
4	Recreational	15%	15	-----	15	
5	Public & Semi-Public facilities	12%	12	3	9	*conditions applied
6	Roads & Circulation	12%	12	-----	12	
	Total	100%	100	41	59	

Note :

- i. FAR for housing shall be 400 on gross residential area.

ii. Only residential plot shall be returned back to the land owners having land less than 5 bighas.

*Applicable for land pooled from too many land owners. Land owner having more than 5 bigha shall be entitled to receive percentage of commercial and PSP land depending upon the design of the project.

Land Share Certificate

15. Land Pooling Agency shall issue to Developer entity a Land Share Certificate which shall specify the percentage/size of land share of Developer entity and the percentage or size of land which shall stand surrendered to Land Pooling Agency for development.

16. (1) Land Pooling Agency will for purposes of land pooling, plan for the development of a zone/planned group housing/ township including identification of the Master Plan / Zonal Development Plan/ Development scheme, road network and utility land within the parameters of the Zonal Development Plan/scheme of the said zone.

(2) Land Pooling Agency may in accordance with law acquire any land which is required for effectuating land pooling in any zone and which has not been offered for land pooling.

Other Important Conditions:

17. In case the owners are co-sharers in the acquired land, the plots/sites will be allotted in proportion to the share of each of the co-sharer. However, where such proportion is less than the standard size of the plot/site, the owners will be eligible either to have a plot in their joint name or seek monetary benefits in accordance with their share.

18. The developed land will be allotted to the eligible landowners as per their entitlements through draw of lots from among the applications received from the landowners opting for the scheme.

19. Wherever the entitlement of developed land is in fraction of the standard sizes of residential/commercial plots, the landowner will be compensated in monetary terms for such fraction.

20. The GMDA shall execute conveyance deeds in favour of the landowners opting for the Land Pooling Scheme as per their entitlement/allotment of developed land for which no Stamp Duty and Registration Fee shall be payable.

Chapter 5

Development License, Layout Plan Approval, Building Plan Approval

Development License:

(Incase the land is pooled through the DE)

21. (1) Developer Entity shall within twelve (12) months from allotment of land shall prepare a layout plan for development of the final plot as per terms and conditions of the Master Plan and apply to Land Pooling Agency for scrutiny thereof based on planning criteria and for issuance of Development License.

(2) Developer Entity shall submit an application in the prescribed form for issuance of the Development License to develop the final plot as Residential (Group Housing)/City Level Commercial/City Level PSP under Land Policy and the layout plan. Developer Entity shall at the time of submission of the application pay such fee as may be prescribed and submit the following documents:

- i. One set of the layout plan and documents to be submitted by Developer Entity for grant of Development License containing following:
 - a) Undertakings by Developer Entity.
 - b) Scrutiny / processing fee of the prescribed fee based on the area of the Final Plot and compliance with the various requirements of Land Share Certificate and Development License.
 - c) Bank Guarantee equivalent to twenty-five percent of the External Development Charges as may be prescribed before the grant of the Development License.
 - d) Undertaking to pay the first instalment equivalent to twenty percent of the External Development Charges as may be prescribed.
 - e) Proof of having the financial capability of undertaking the development of the final plot.
 - f) Copies of Land Share Certificate/contiguous multiple Land Share Certificates for which Development License is being sought.
 - g) Layout plan on a scale of 1:1000 showing the existing and proposed means of access, the width of roads and streets, sized and type of plots, sites reserved for open spaces, community facilities, with area under each and proposed building lines, Landscape Plan and Transportation / Parking plan shall also be prepared and submitted along with the layout plan. (Such a plan shall only be for purposes of issuing a development licence and not for according any sanction for actual construction.)
 - h) A proposal with layout plan and an explanatory note report indicating physical infrastructure development works to be executed in phases including arrangements and sites for disposal and treatment of storm and sewage water, rain water harvesting, solid waste management, water recycling, etc.
22. After receipt of the application in the prescribed form complete in all respects, Land Pooling Agency shall examine the same from the point of view of all relevant aspects including:
 - a) location and extent of the land;
 - b) conformity with the land use and development controls;
 - c) proposed layout plan of the area with respect to the Master Plan;
 - d) proposed plan regarding infrastructure development works to be executed.
23. Land Pooling Agency shall upon finalization of the layout plans of the zone for purposes of land pooling issue to a Developer Entity a Development License which shall, *inter alia*, include the details of the actual land being Developer Entity's share, a map showing such actual land on layouts plans, and other terms and conditions as may be prescribed.

24. Land Pooling Agency will issue to a Developer Entity the Development License subject to:
- i. Compliance with the conditions as mentioned in these regulations;
 - ii. Compliance with the provisions of the Master Plan, Zonal Development Plans, layout plan of the sector and other planning parameters and requirements. (Such a plan shall only be for purposes of issuing a final development licence and not for according any sanction for actual construction);
 - iii. Proposal to construct Residential / Commercial / PSP shall be as per the application submitted and within the permissible development rights.
 - iv. Developer Entity shall hand over to Land Pooling Agency the vacant physical possession of the original plot to Land Pooling Agency for development by Land Pooling Agency, free from any encroachment, encumbrance or construction of any nature whatsoever;

Layout Plan Approval and Building Plan Approval

25. (1) Developer Entity shall submit four sets of Layout Plan with detailed service plans and Building Plans as per Building bye-laws, for being forwarded to the regulatory agencies like DFS, AAI for obtaining necessary Layout Plan level and premise (building plan) level approval / clearances, with the following details:

- a) Location and extent of the land;
- b) conformity with the land use and development controls;
- c) proposed layout plan of the area with respect to the Master Plan;
- d) proposed plan regarding infrastructure development works to be executed;
- e) plans showing the cross-sections of the proposed roads indicating, in particular the width of the proposed drainage ways, cycle tracks and footpaths, green areas, positions of electric poles any other works connected with such roads;
- f) services plans indicating the positions of sewers, storm water channels water supply and any other public health services;
- g) detailed specifications and designs of sewerage, storm water and water supply schemes with estimated cost of each;
- h) detailed specifications and designs for disposal and treatment of storm and sewage water with estimated cost of each;
- i) solid waste management and disposal plan;
- j) detailed specification and designs for electric supply including street lighting;
- k) Fire-fighting scheme; and
- l) such other information/document as may be prescribed.

(2) Land Pooling Agency shall create a single window system with the cooperation of other authorities/agencies for according expeditious clearances and approval of Layout/Building Plans.

26. After obtaining approval/clearance from Authority and other agencies as may be required for the layout plan, Developer Entity shall submit revised plans incorporating the observations/suggestions if any, as may be made by such authorities/agencies to Land Pooling Agency for final Layout and premise level building plan approvals.

27. After the areas have been laid out according to approved layout plan and development works have been executed as per phases shown in the layout plan according to approved designs and specifications, Developer Entity shall make an application to Land Pooling Agency for issuance of part/full completion certificate

for infrastructure development and building construction work of such phases subject to payment of all applicable charges to the scheme.

28. (1) The validity of Development License so as to complete all development and obtain a completion certificate from Land Pooling Agency in accordance with law with respect to the Final Plot shall be eight years from the date of its issuance during which period all the prescribed infrastructure development works shall be completed and certificate of completion shall be obtained.

(2) Developer Entity shall be responsible for obtaining all statutory and regulatory approvals and permissions from all authorities/agencies concerned and for complying with the directions issued by them. Developer Entity shall ensure that all approvals/clearances are obtained within a period of two years from the date of issuance of the Development License and the remaining period is available for Developer Entity to carry out the required construction.

(3) Considering that any delay in completion of the development by Developer Entity shall undermine the Land Policy,

- i. In case Developer Entity fails to complete the required development within the prescribed period for reasons beyond his control, he may apply to the Competent Authority for extension of Development License in the prescribed form, at least thirty days before expiry thereof and the said application shall be accompanied by prescribed fees, clearances and documents in support evidencing the status of development and reasons for non-completion of the development.
- ii. After receipt of the application the competent authority, if satisfied, that the reasons of delay were in fact beyond the control of Developer Entity, may extend the Development License up to maximum of three extensions of three years each subject to payment of the following extension charges applicable on the unbuilt portion of the total FAR to be developed. However, the suggested rates are as under:

Extension Charges to be paid

First 5 % of EDC

Second 10 % of EDC

Third 15 % of EDC

The External Development charges shall be as applicable at the time of applying for Final Development License or as per the last instalment of EDC paid, whichever is more.

- iii. In the event of non-completion of the project beyond the permissible extension period, Developer Entity shall be liable to pay fifteen percent of the EDC for every year's delay beyond the extension period irrespective of the reasons there for.

29. Developer Entity shall execute and complete the development in accordance with, *inter alia*, the Development License, the Land Policy, these regulations, the Master Plan and the approved layout plan.

30. Land Pooling Agency shall try to complete the external development within a period of five years from the issue of Development License to Developer Entity with the utilisation of External Development Charges deposited in pooling process.

- i. Considering that any delay in completion of the development by Land Pooling Agency shall undermine the objectives of Land Pooling Policy, the Land Pooling Agency shall pay a penalty of 2% of EDC per year for first two years and 3% of EDC per year thereafter to DE for delay beyond the date of completion of the construction by DE or five years whichever is later till the External Development works are completed.

31. The balance External Development Charges to be paid by Developer Entity (excluding the first installment equal to 20% of External Development Charges) shall be payable either in lump sum within ninety days from the date of grant of Final Development License or in eight six-monthly instalments spread over forty eight months along with interest @ twelve percent per annum on each installment.
32. (1)
- a. Developer Entity shall comply with all applicable laws, rules, regulations, bylaws, and the Master Plan including the Development Control Norms and terms and conditions.
 - b. Developer Entity shall develop the EWS housing and sell the share of Land Pooling Agency/Local Bodies and its own share. *The Developer Entity shall ensure that mandatory FAR of 15% over and above the maximum permissible residential FAR shall be constructed for EWS category. The EWS housing will be constructed as an independent block.*
 - c. *The Developer Entity shall ensure that entire FAR for residential purposes i.e. 400 shall be utilized.*
- (2) In respect of the development to be undertaken by the Developer Entity, adequate solid waste management facilities (preferably zero waste), rainwater harvesting, and waste water recycling shall be mandatory with provision for storage for surface run-off water to improve the depleting ground water levels.
33. Part completion / occupancy certificate for premise level plan within the approved phase of development may be granted as per the Building Bylaws in force at the relevant time subject to completion of infrastructure development works of that phase and after obtaining the part / full completion for infrastructure development of that phase.
34. Grievances at any stage shall be sorted out through the Grievance Redressal Committee as may be constituted by Competent Authority and decision of the Committee in this regard shall be final. The redressal committee headed by CEO, GMDA, shall consist of Land Pooling officer, Town Planner, Development Officer (Legal), Engineer Member or its nominee, Public representative as a nominated member of the Authority. The Committee shall address all grievances related to land ownership disputes, location of return of land, approval of layout / building plan including applicability of development control norms and any other matters related to development.
35. The competent authority may amend any terms and conditions in the forms of applications, agreements, fees, required documents, and other relevant conditions as may be necessary from time to time particularly in the overall interest and efficacy of the Scheme and the Land Policy.

P. K. BORTHAKUR,

Principal Secretary to the Govt. of Assam,
Guwahati Development Department.